
HOUSE BILL 2417

State of Washington 60th Legislature 2007 1st Special Session

By Representatives Seaquist, Kessler, Barlow, Kelley, Green, Lantz, Appleton, P. Sullivan, Wallace, Eddy, Goodman, Springer, Morrell, Ericks, Clibborn, McCoy, Morris, Lovick, Fromhold, Eickmeyer, Chase and B. Sullivan; by request of Governor Gregoire

Read first time 11/29/2007. Referred to Committee on Finance.

1 AN ACT Relating to providing a fifty percent property tax deferral
2 for households with income of fifty-seven thousand dollars or less;
3 adding a new chapter to Title 84 RCW; creating new sections; providing
4 an expiration date; and declaring an emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that there are an
7 increasing number of economic and financial pressures causing hardships
8 to many homeowners in the state of Washington. The legislature finds
9 that the current housing crisis is a key barometer of the insecure
10 economic situation facing working Washington families. The legislature
11 finds that, among those hardships, increases in property taxes lead to
12 undue stress on family budgets causing some homeowners to be at risk of
13 losing their homes. The legislature finds that financial practices
14 nationwide have led to an increasingly destabilized housing market
15 across the country with impacts now being felt here in Washington. The
16 legislature further finds that by establishing a property tax deferral
17 program homeowners will be able to remain in their homes. The
18 legislature further finds that acting now to stabilize the housing
19 market is an important public purpose.

1 (2) It is the intent of the legislature to: (a) Provide a property
2 tax safe harbor for families in economic crisis; and (b) prevent
3 existing homeowners from being driven from their homes because of
4 overly burdensome property taxes.

5 NEW SECTION. **Sec. 2.** A claimant may defer payment of fifty
6 percent of special assessments or real property taxes, or both, in any
7 year in which all of the following conditions are met:

8 (1) The special assessments or property taxes must be imposed upon
9 a residence that was occupied by the claimant as a principal place of
10 residence as of January 1st of the year in which the assessments and
11 taxes are due, subject to the exceptions allowed under RCW
12 84.36.381(1);

13 (2) The claimant must have combined disposable income, as defined
14 in RCW 84.36.383, of fifty-seven thousand dollars or less in the
15 calendar year preceding the filing of the declaration;

16 (3) The claimant must have paid one-half of the total amount of
17 special assessments and property taxes listed on the tax statement for
18 the year in which the deferral claim is made;

19 (4) A deferral is not allowed for assessments or taxes levied in
20 the first five calendar years in which the person owns the residence;

21 (5) The claimant who defers payment of special assessments or real
22 property taxes, or both, under this section must also meet the
23 conditions of RCW 84.38.030 (4) and (5);

24 (6) The total amount deferred by a claimant under this chapter must
25 not exceed forty percent of the amount of the claimant's equity value
26 in the claimant's residence;

27 (7) The claimant may not defer taxes under both this chapter and
28 chapter 84.38 RCW; and

29 (8) In the case of deferred special assessments, the claimant must
30 have opted for payment of the assessments on the installment method if
31 this method was available.

32 NEW SECTION. **Sec. 3.** The definitions in RCW 84.38.020 apply to
33 this chapter. For purposes of this chapter, references to "this
34 chapter" in any of the definitions in RCW 84.38.020 shall be
35 interpreted to refer to chapter 84.-- RCW (this chapter), unless the
36 context clearly requires otherwise.

1 NEW SECTION. **Sec. 4.** (1) Each claimant electing to defer payment
2 of special assessments or real property tax obligations, or both, under
3 this chapter shall file with the county assessor, on forms prescribed
4 by the department and supplied by the assessor, a written declaration
5 thereof. The declaration to defer special assessments and/or real
6 property taxes for any year shall be filed no later than the first day
7 of September of the year for which the deferral is sought: PROVIDED,
8 That for good cause shown, the department may waive this requirement.

9 (2) The declaration shall designate the property to which the
10 deferral applies, and shall include a statement setting forth (a) a
11 list of all members of the claimant's household, (b) the claimant's
12 equity value in his or her residence, (c) facts establishing the
13 eligibility for the deferral under the provisions of this chapter, and
14 (d) any other relevant information required by the rules of the
15 department. Each copy shall be signed by the claimant subject to the
16 penalties as provided in chapter 9A.72 RCW for false swearing.

17 (3) The county assessor shall determine if each claimant shall be
18 granted a deferral for each year but the claimant shall have the right
19 to appeal this determination to the county board of equalization, in
20 accordance with the provisions of RCW 84.40.038, whose decision shall
21 be final as to the deferral of that year.

22 NEW SECTION. **Sec. 5.** (1) The provisions of RCW 84.38.050(1)(b)
23 apply to declarations to defer special assessments or property taxes,
24 or both, for all years following the first year.

25 (2) The provisions of RCW 84.38.070 apply to claimants ceasing to
26 reside permanently on the property for which the declaration to defer
27 is made between the date of filing the declaration and December 15th of
28 that year.

29 NEW SECTION. **Sec. 6.** (1) A person's right to defer special
30 assessments or property tax obligations, or both, under this chapter
31 may not be reduced by contract or agreement.

32 (2) If any residence is under mortgage or purchase contract
33 requiring accumulation of reserves out of which the holder of the
34 mortgage or contract is required to pay real estate taxes, such holder
35 shall cosign the declaration of deferral either before a notary public,

1 the county assessor, or the county assessor's deputy in the county
2 where the real property is located.

3 NEW SECTION. **Sec. 7.** Whenever a person's special assessment or
4 real property tax obligation, or both, is deferred under the provisions
5 of this chapter, the amount deferred and required to be paid pursuant
6 to RCW 84.38.120 shall become a lien in favor of the state upon his or
7 her property and shall have priority as provided in chapters 35.50 and
8 84.60 RCW: PROVIDED, That the interest of a mortgage or purchase
9 contract holder who is required to cosign a declaration of deferral
10 under section 6 of this act shall have priority to said deferred lien.
11 This lien may accumulate up to forty percent of the amount of the
12 claimant's equity value in said property and the rate of interest shall
13 be an average of the federal short-term rate as defined in 26 U.S.C.
14 Sec. 1274(d) plus two percentage points. The rate set for each new
15 year shall be computed by taking an arithmetical average to the nearest
16 percentage point of the federal short-term rate, compounded annually.
17 That average shall be calculated using the rates from four months:
18 January, April, and July of the calendar year immediately preceding the
19 new year, and October of the previous preceding year. The interest
20 shall be calculated from the time it could have been paid before
21 delinquency until said obligation is paid. In the case of a mobile
22 home, the department of licensing shall show the state's lien on the
23 certificate of ownership for the mobile home. In the case of all other
24 property, the department of revenue shall file a notice of the deferral
25 with the county recorder or auditor.

26 NEW SECTION. **Sec. 8.** Special assessments or real property tax
27 obligations, or both, deferred under this chapter shall become payable
28 together with interest as provided in section 7 of this act:

29 (1) Upon the sale of property which has a deferred special
30 assessment lien or real property tax lien, or both, upon it;

31 (2) Upon the death of the claimant with an outstanding deferred
32 special assessment lien or real property tax lien, or both, except a
33 surviving spouse who is qualified under this chapter may elect to incur
34 the special assessment lien or real property tax lien, or both, which
35 shall then be payable by that spouse as provided in this section;

1 (3) Upon the condemnation of property with a deferred special
2 assessment lien or real property tax lien, or both, upon it by a public
3 or private body exercising eminent domain power, except as otherwise
4 provided in RCW 84.60.070; or

5 (4) At such time as the claimant ceases to reside permanently in
6 the residence upon which the deferral has been granted.

7 NEW SECTION. **Sec. 9.** The provisions of RCW 84.38.110, 84.38.120,
8 84.38.140, 84.38.150, 84.38.160, 84.38.170, and 84.38.180 apply to this
9 chapter to the extent that they do not conflict with the provisions of
10 this chapter. For purposes of this chapter, references to "this
11 chapter" in any of the statutes listed in this section shall be
12 interpreted to refer to chapter 84.-- RCW (this chapter) unless the
13 context clearly requires otherwise.

14 NEW SECTION. **Sec. 10.** Sections 1 through 9 of this act constitute
15 a new chapter in Title 84 RCW.

16 NEW SECTION. **Sec. 11.** If any provision of this act or its
17 application to any person or circumstance is held invalid, the
18 remainder of the act or the application of the provision to other
19 persons or circumstances is not affected.

20 NEW SECTION. **Sec. 12.** This act applies to taxes due and payable
21 after April 30, 2008, and thereafter.

22 NEW SECTION. **Sec. 13.** (1) During calendar year 2011, the joint
23 legislative audit and review committee shall review the property tax
24 deferral program under chapter 84.-- RCW (sections 1 through 9 of this
25 act). The department of revenue and county assessors shall provide the
26 committee with any data within its purview that the committee considers
27 necessary to conduct the review. By December 1, 2011, the joint
28 legislative audit and review committee shall report to the legislature
29 the results of its review.

30 (2) As part of its review under subsection (1) of this section, the
31 committee shall study and report on:

32 (a) The effectiveness of the property tax deferral program in
33 assisting families in economic distress in remaining in their homes;

1 (b) The effectiveness of the property tax deferral program in
2 decreasing the default rate on residential mortgages for the statewide
3 population within the income threshold of the program;

4 (c) The number of potential participants per thousand population by
5 geographic region;

6 (d) The ratio of actual deferral program participants to potential
7 deferral program participants by geographic region;

8 (e) The ratio of average annual household property taxes for
9 deferral program participants and average annual income of deferral
10 program participants by geographic region;

11 (f) Economic conditions in the housing and lending markets for the
12 prior three years and the forecasted economic conditions for the
13 current biennium and the next succeeding biennium;

14 (g) Annual costs specific to the administration of the deferral
15 program;

16 (h) Total annual costs of the deferral program;

17 (i) Recommended changes to the deferral program that would increase
18 program participation;

19 (j) Any other recommendations the committee may have to improve the
20 deferral program; and

21 (k) Any other factors that the committee considers necessary to
22 properly evaluate the deferral program.

23 (3) This section expires January 1, 2012.

24 NEW SECTION. **Sec. 14.** This act is necessary for the immediate
25 preservation of the public peace, health, or safety, or support of the
26 state government and its existing public institutions, and takes effect
27 immediately.

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